



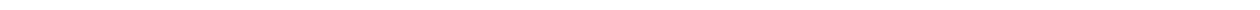
Victoria Daly
REGIONAL COUNCIL

AGENDA

**SPECIAL MEETING OF COUNCIL
MONDAY, 7 MARCH 2022**

01:30PM

29 CRAWFORD STREET, KATHERINE / MICROSOFT TEAMS



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Russell Anderson
Chief Executive Officer



TABLE OF CONTENTS

Present

Apologies

Disclosure of interest – Councillors and Staff

Reports to Council

- 1 Draft Burial and Cremation Bill 2022
Whats Changed 4

Correspondence In & Out

- 2 Incoming Correspondence..... 7

For Discussion

- 3 Victoria Daly Regional Council Road Lengths

Confidential



Victoria Daly
REGIONAL COUNCIL

**VICTORIA DALY REGIONAL COUNCIL
SPECIAL ORDINARY COUNCIL OF 07 MARCH 2022
Report for Agenda Item No 1**

**Draft Burial and Cremation Bill 2022
Whats Changed**

Prepared by Matthew Cheminant, Director of Council Operations

Purpose

To provide an update to Council.

Regional Plan

Part of Councils Service Delivery in Kalkarindj, Nauiyu and Pine Creek.

Key Issues

The Department of the Chief Minister and Cabinet are currently consulting with stakeholders on a draft Burial and Cremation Bill 2022

Background

- Some local government councils are currently responsible for public cemeteries under the Cemeteries Act 1952.
- Councils will continue to be responsible for public cemeteries under the new legislation.
- Councils can be responsible entities for community cemeteries, subject to agreement from the landowner.

Discussion

- Council will be responsible for Public (Pine Creek) and Community cemeteries, (New class of cemetery). This will require a lease, licence or other written agreement with the responsible entity.
- Cemeteries vs. other burial areas.
 - Cemeteries are formally managed, burials are approved by a cemetery manager, and there is a cemetery plan and policies for the cemetery.
 - Cemeteries require administration and recordkeeping.
- Burial grounds and regions can transition to become a cemetery – this change can happen with the agreement of the landowner and the responsible entity who wishes to manage the cemetery.
- Cemeteries allow for certainty over the use of the land – cemeteries require a lease, licence or other written agreement and this provides certainty over the use of the land and allows access to grant funding opportunities.

Responsibilities of cemetery management

1. Must manage and control the cemetery
2. Establish a cemetery plan
3. Establish policies
4. Ensure access to equipment to undertake burials and exhumations
5. Care for and maintain the cemetery
6. Ensure the cemetery is accessible to the public
7. Ensure that burial register is accessible to public.

List of plans, policies and registers

1. Cemetery plan (required)
2. Multiple burials policy (if multiple burials are allowed)
3. Exclusive rights of burial policy (if the cemetery offers exclusive rights)
4. Waiver of fees policy (if cemetery fees are waived in any circumstances)
 - Burial fees waiver policy (required if a community cemetery)
5. Memorial policy (optional – more relevant for urban cemeteries)
6. Direction of burial policy (optional)
7. Burial register access policy (recommended for all cemeteries)
8. Register of burials (required)
9. Register of exclusive rights of burial (if the cemetery offers exclusive rights)

Website Information for Cemetery

- Cemetery Plan
- Opening hours
- Details of the burial application process
- Details of the exclusive right of burial application process
- Cemetery fees (fees need to be itemised)
- Burial fees waiver policy (for community cemeteries)

Access to burial records

- Over time. Future generation will have a record of where their family are buried.
- Information can be specified as **culturally sensitive information** – this information is redacted if providing burial information to external organisations.
- It is recommended that all cemeteries have a burial register access policy to guide decision making and procedures when giving access to burial records

Compliance and implementation

- New legislation (Act and Regulations) planned to commence in late 2022
- Compliance provisions are similar to Local Government Act 2019 compliance
- There will be 2 year transition period to formal compliance reviews
 1. 1st year after commencement - educating about the new legislation, supporting the declaration of community cemeteries, developing sample documents and providing guidance and support to the local government sector.
 2. 2nd year after commencement – informal desktop review from the Department in order to support compliance with new legislative requirements
 3. 3rd year after commencement – formal compliance reviews for cemeteries and crematoria

Policy implications

Current Policies will need to be updated

Budget implications

Cost increases to council due to changes in the act

- Administrations costs (plans, policies, record keeping)
- Increased works costs (roads and infrastructure)

Risk statement

Financial & Operational

Council officer conflict of interest declaration

We the Author and Approving Officer declare we do not have a conflict of interest in relation to this matter.

Recommendations

- A. That this report is received and noted

Attachments

There are no attachments for this report.



Victoria Daly
REGIONAL COUNCIL

**VICTORIA DALY REGIONAL COUNCIL
SPECIAL ORDINARY COUNCIL OF 07 MARCH 2022
Report for Agenda Item No 2**

**Incoming Correspondence
Prepared by Michelle Will, Manager of Executive Services**

1. Incoming Letter from Minister Eva Lawler regarding Lot 54 and 55 Yarralin

BACKGROUND

The outgoing letter to Minister Lawler regarding Lot 54 and 55 Yarralin has been attached for background.

Recommendation

1. **That Council accept the correspondence**

Attachments

- 1 2022 n.d. INCOMING Letter from Minister Lawler regarding Lot 54 and 55 Yarralin.pdf
- 2 2022-01-27 OUTGOING Letter from Mayor Pedwell to Minister Eva Lawler Minister for Essential Services Re Power Water.pdf